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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

TRAUMA INTERVENTION PROGRAM OF
SOUTHERN NEVADA, INC., a not-for-profit
Nevada corporation; and GREGORY
ROBINSON, an individual,

Defendants.

Case No.: 2:10-cv-01512

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Trauma Intervention Program of Southern Nevada, Inc. (“TIP of Southern Nevada”), and Gregory Robinson (“Mr. Robinson”; collectively with TIP of Southern Nevada known herein as the “Defendants”), on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. TIP of Southern Nevada is, and has been at all times relevant to this lawsuit, a not-for-profit Nevada corporation.

5. Mr. Robinson is, and has been at all times relevant to this lawsuit, a resident of Nevada.

6. Mr. Robinson is, and has been at all times relevant to this lawsuit, identified by the current registrar, GoDaddy.com, Inc. (“GoDaddy”), as the registrant, administrative contact and technical contact for the Internet domain found at <tipoflasvegas.org> (the “Domain”; the content accessible through the Domain and the Domain itself known herein as the “Website”).

7. TIP of Southern Nevada is, and has been at all times relevant to this lawsuit, the self-proclaimed owner of the copyright(s) in the work(s) posted as part of the content accessible through the Domain, as evidenced by a copyright notice displayed on the Website: “© Copyright 2007. TIP of Southern Nevada, Inc. All rights reserved.”

JURISDICTION

8. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

9. Righthaven is the owner of the copyright in the literary work entitled: “Grief-stricken receive emotional first aid” (the “Work”), attached hereto as Exhibit 1.

10. At all times relevant to this lawsuit, the Work has depicted and depicts the original source publication as the *Las Vegas Review-Journal*.

11. The Defendants willfully copied, on an unauthorized basis, the Work from a source emanating from Nevada.

1 12. On or about February 15, 2010, the Defendants displayed, and continue to
2 display, an unauthorized reproduction of the Work (the “Infringement”), attached hereto as
3 Exhibit 2, on the Website.

4 13. At all times relevant to this lawsuit, the Infringement has depicted and depicts the
5 original source publication as the *Las Vegas Review-Journal*.

6 14. At all times relevant to this lawsuit, the Defendants knew that the Work was
7 originally published in the *Las Vegas Review-Journal*.

8 15. At all times relevant to this lawsuit, the Defendants knew that the Infringement
9 was and is of specific interest to Nevada residents.

10 16. The Defendants’ display of the Infringement was and is purposefully directed at
11 Nevada residents.

12 17. The Defendants willfully copied, on an unauthorized basis, the literary work
13 entitled: “Trauma volunteers help people in times of crisis” (the “Trauma Volunteers Article”),
14 attached hereto as Exhibit 3, from a source emanating from Nevada.

15 18. On or about September 9, 1997, the Defendants displayed, and continue to
16 display, the Trauma Volunteers Article on the Website.

17 19. The Defendants’ display of the Trauma Volunteers Article was and is
18 purposefully directed at Nevada residents.

19 20. The Defendants willfully copied, on an unauthorized basis, the literary work
20 entitled: “Bringing Comfort” (the “Bringing Comfort Article”), attached hereto as Exhibit 4,
21 from a source emanating from Nevada.

22 21. On or about September 30, 1999, the Defendants displayed, and continue to
23 display, the Bringing Comfort Article on the Website.

24 22. The Defendants’ display of the Bringing Comfort Article was and is purposefully
25 directed at Nevada residents.

26 23. The Defendants willfully copied, on an unauthorized basis, the literary work
27 entitled: “Five killed in head-on collision on Route 160” (the “Collision Article”), attached
28 hereto as Exhibit 5, from a source emanating from Nevada.

1 24. On or about June 26, 2000, the Defendants displayed, and continue to display, the
2 Collision Article on the Website.

3 25. The Defendants' display of the Collision Article was and is purposefully directed
4 at Nevada residents.

5 26. The Defendants willfully copied, on an unauthorized basis, the literary work
6 entitled: "Las Vegas boy, 5, safe after parents die in murder suicide" (the "Las Vegas Boy
7 Article"), attached hereto as Exhibit 6, from a source emanating from Nevada.

8 27. On or about August 15, 2002, the Defendants displayed, and continue to display,
9 the Las Vegas Boy Article on the Website.

10 28. The Defendants' display of the Las Vegas Boy Article was and is purposefully
11 directed at Nevada residents.

12 29. The Defendants willfully copied, on an unauthorized basis, the literary work
13 entitled: "3-year-old stabbing victim's funeral today" (the "Stabbing Victim Article"), attached
14 hereto as Exhibit 7, from a source emanating from Nevada.

15 30. On or about January 28, 2003, the Defendants displayed, and continue to display,
16 the Stabbing Victim Article on the Website.

17 31. The Defendants' display of the Stabbing Victim Article was and is purposefully
18 directed at Nevada residents.

19 32. The Defendants willfully copied, on an unauthorized basis, the literary work
20 entitled: "Volunteers bring emotional first aid" (the "Emotional Aid Article"), attached hereto as
21 Exhibit 8, from a source emanating from Nevada.

22 33. On or about July 26, 2003, the Defendants displayed, and continue to display, the
23 Emotional Aid Article on the Website.

24 34. The Defendants' display of the Emotional Aid Article was and is purposefully
25 directed at Nevada residents.

26 35. The Defendants willfully copied, on an unauthorized basis, a substantial and
27 significant portion of the literary work entitled: "ROAD WARRIOR Q&A: TIPS, School Buses
28

1 and Kids” (the “Road Warrior Article”), attached hereto as Exhibit 9, from a source emanating
2 from Nevada.

3 36. The Defendants replaced the original title of the Road Warrior Article with a new
4 title: “Trauma Intervention Program offers help to all victims.”

5 37. On or about December 3, 2003, the Defendants displayed, and continue to
6 display, the Road Warrior Article on the Website.

7 38. The Defendants’ display of the Road Warrior Article was and is purposefully
8 directed at Nevada residents.

9 39. The Defendants willfully copied, on an unauthorized basis, the literary work
10 entitled: “Boy’s death second for driver” (the “Driver Article”), attached hereto as Exhibit 10,
11 from a source emanating from Nevada.

12 40. On or about December 12, 2003, the Defendants displayed, and continue to
13 display, the Driver Article on the Website.

14 41. The Defendants’ display of the Driver Article was and is purposefully directed at
15 Nevada residents.

16 42. The Defendants willfully copied, on an unauthorized basis, the literary work
17 entitled: “Volunteers offer comfort to those hit by tragedy” (the “Tragedy Article”), attached
18 hereto as Exhibit 11, from a source emanating from Nevada.

19 43. On or about February 29, 2004, the Defendants displayed, and continue to
20 display, the Tragedy Article on the Website.

21 44. The Defendants’ display of the Tragedy Article was and is purposefully directed
22 at Nevada residents.

23 45. The Defendants willfully copied, on an unauthorized basis, the literary work
24 entitled: “Dinner to toast emergency personnel” (the “Emergency Personnel Article”), attached
25 hereto as Exhibit 12, from a source emanating from Nevada.

26 46. On or about November 9, 2004, the Defendants displayed, and continue to
27 display, the Emergency Personnel Article on the Website.

1 57. The United States District Court for the District of Nevada is an appropriate
2 venue, pursuant to 28 U.S.C. § 1400(a), because the Defendants are subject to personal
3 jurisdiction in Nevada.

4
5 **FACTS**

6 58. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
7 102(a)(1).

8 59. Righthaven is the owner of the copyright in and to the Work.

9 60. The Work was originally published on February 15, 2010.

10 61. On May 12, 2010, the United State Copyright Office (the “USCO”) received
11 Righthaven’s official submittal for the registration of the Work including the application, the
12 deposit copy, and the registration fee (the “Complete Application”), Service Request No. 1-
13 398846950, attached hereto as Exhibit 15.

14 62. On or about February 15, 2010, the Defendants displayed, and continue to
15 display, the Infringement on the Website.

16 63. The Defendants did not seek permission, in any manner, to reproduce, display, or
17 otherwise exploit the Work.

18 64. The Defendants were not granted permission, in any manner, to reproduce,
19 display, or otherwise exploit the Work.

20
21 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

22 65. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
23 64 above.

24 66. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
25 U.S.C. § 106(1).

26 67. Righthaven holds the exclusive right to prepare derivative works based upon the
27 Work, pursuant to 17 U.S.C. § 106(2).
28

1 68. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
2 17 U.S.C. § 106(3).

3 69. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
4 U.S.C. § 106(5).

5 70. The Defendants reproduced the Work in derogation of Righthaven's exclusive
6 rights under 17 U.S.C. § 106(1).

7 71. The Defendants created an unauthorized derivative of the Work in derogation of
8 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

9 72. The Defendants distributed, and continue to distribute, an unauthorized
10 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
11 17 U.S.C. § 106(3).

12 73. The Defendants publicly displayed, and continue to publicly display, an
13 unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive
14 rights under 17 U.S.C. § 106(5).

15 74. TIP of Southern Nevada has willfully engaged in the copyright infringement of
16 the Work.

17 75. Mr. Robinson has willfully engaged in the copyright infringement of the Work.

18 76. The Defendants' acts as alleged herein, and the ongoing direct results of those
19 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount
20 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

21 77. Unless the Defendants are preliminarily and permanently enjoined from further
22 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
23 entitled to preliminary and permanent injunctive relief against further infringement by the
24 Defendants of the Work, pursuant to 17 U.S.C. § 502.

25
26 **PRAYER FOR RELIEF**

27 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:
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1 1. Preliminarily and permanently enjoin and restrain the Defendants, and the
2 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related
3 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from
4 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works
5 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,
6 directing, participating in, or assisting in any such activity;

7 2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies
8 or electronic copies:

9 a. All evidence and documentation relating in any way to the Defendants'
10 use of the Work, in any form, including, without limitation, all such evidence and
11 documentation relating to the Website;

12 b. All evidence and documentation relating to the names and addresses
13 (whether electronic mail addresses or otherwise) of any person with whom the
14 Defendants have communicated regarding the Defendants' use of the Work; and

15 c. All financial evidence and documentation relating to the Defendants' use
16 of the Work;

17 3. Direct GoDaddy and any successor domain name registrar for the Domain to lock
18 the Domain and transfer control of the Domain to Righthaven;

19 4. Award Righthaven statutory damages for the willful infringement of the Work,
20 pursuant to 17 U.S.C. § 504(c);

21 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by
22 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

23 6. Award Righthaven pre- and post-judgment interest in accordance with applicable
24 law; and

25 7. Grant Righthaven such other relief as this Court deems appropriate.
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DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

Dated this third day of September, 2010.

RIGHTHAVEN LLC

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